

**Jim Farrelly – See transcript from 3/16/11 oral testimony**

**Dan Fahey – See transcript from 3/16/11 oral testimony**

**Rockville Pike Plan  
Testimony by Noreen S. Bryan  
16 March 2011**

My name is Noreen Bryan and I live at 207 S. Washington St. in Rockville. My testimony tonight is based on my experience of living in the city for 25 years and my participation in the Communications Task Force. The CTF engaged in an interactive discussion with a wide range of the citizens and asked them for their experience and recommendations for improving the Development Approval Process in Rockville. Unanimous frustration was expressed. Citizens felt that they only learned of a proposed development after it was nearly fully fleshed out by the developer in cooperation with City staff. Over and over again we heard that "It was a done deal!" Citizens felt that their voice was not fully heard or taken into account in the decision process. Citizens want to be fully vested stakeholders in development decisions in Rockville.

The Rockville Pike Plan implementation approach is directly contrary to the recommendations made by citizens through the CTF. Instead of engaging citizens in the decision process the Rockville Pike implementation plan proposes to fully exclude citizens and their government representatives- the Boards and Commissions and the Mayor and Council from the decision process. For this reason alone the Plan should be rejected and sent back to the starting line.

What is the basis for these statements?

Implementation of the proposed Plan includes a new Form Code which would supersede the existing Zoning Ordinance and delegate the approval authority for new projects along Rockville Pike to City staff. Here are the specifics.

- In the proposed Form Code paragraph 1.10.B-Code Administrators- it states: "All projects within the Rockville Pike District Form Code shall be subject to review and **approval** [and I emphasize the word "approval"] by the Chief of Planning (CP) upon recommendation of the Town Architect (TA) and the Development Review Committee (DRC)." Paraphrasing, this says that a staff member of the Rockville Planning Department will be authorized by code to approve all developments along the Rockville Pike. By this statement the Form Code would eliminate the roles of the Planning Commission, the Board of Appeals, the Mayor and Council and citizens in the approval process. This is contrary to democratic government as we have known it in Rockville and contrary to everything that we heard from citizens who were interviewed by the CTF. No one expressed the view that it would be desirable or serve the future of Rockville to turn over decisions on future developments to City staff.
- Further, in the proposed Form Code paragraph 1.10.C.2 it states: "Such projects [i.e. buildings over 40,000 gross square feet-see previous sentence] will be required to meet the **intent** of the Code and will be evaluated in terms of **how well they conform** to the Code and Article 7, Procedures for Site Plans and Project Plans, Special Exceptions, and Other Permits..." By this statement the Zoning Ordinance becomes a guidance document not law for developments along the Pike. New developments would not be required to meet the standards of the

Zoning Ordinance. The Chief of Planning would only have to consider an application in light of the **intent** of the code and make a subjective decision of the “goodness” of its conformance to code. Said another way the Chief of Planning would be allowed to approve a new development based on his/her own subjective views of the merits of an application. This would leave approval of new developments to a single individual who has no accountability to citizens.

- Further in the proposed code paragraph 1.1.3-Conflicting Provisions it states: “Wherever there appears to be a conflict between these regulations and other requirements of the Zoning Code (Chapter 25 of the City of Rockville City Code), the requirements specifically set forth in these regulations shall prevail.” This statement gives the Form Code precedence over the existing Zoning Ordinance, making it subservient to the Form Code. In other words if there is even the appearance of a conflict between the Form Code and the Zoning Ordinance, the rules and regulations of the Zoning Ordinance are no longer applicable.
- Adding it all up- The Form Code would make Citizens, Boards and Commissions, and the Mayor and Council irrelevant in development decisions along the Rockville Pike. The decision authority would be vested in a single individual who has no accountability to citizens. He/she would be allowed to make decisions that do not conform to the Zoning Ordinance, which would no longer have any teeth because it would be subservient to the Form Code. This is a dangerous path that would take the future of Rockville out of the hands of its citizens and their representatives – elected and appointed. For this reason alone I strongly recommend that the Planning Commission reject the proposed Rockville Pike Plan and the Form Code that is embedded therein. Further I recommend that the PC return the plan to its originators with instructions to develop a plan that conforms to Rockville’s coded laws.

Thank you for listening. My name is Vicki McMullen and I live on North Street in Rockville. Once upon a time, the big thing in City Planning was Urban Renewal. Idealistic, well-meaning, great in theory. But in Rockville, Urban Renewal gave us the old Rockville Mall. The Gazette once asked Mayor Giammo why the old Rockville Mall failed. He answered, it failed because it didn't respect the way people live their daily lives.

Now let's look at the current Draft Rockville Pike Plan: idealistic, well-meaning, maybe great in theory. A walkable, transit-oriented Utopia right here in Rockville! But I'm wondering - does this plan respect how people live their daily lives?

One developer last Wednesday said this new high density residential development was for Generation Y and retirees. Picture these folks. First the Gen-Y couple. Each has a job. The husband used to take the Red Line to work, until his job got transferred somewhere out on 270. His wife worked as a librarian in Rockville until the County transferred her, and now she has to get to White Oak and back every day on the bus. Driving since they were sixteen, can you picture this now -affluent young couple giving up the freedom of driving, to ride buses for hours each day to get to work. On the weekends they'll go down to DC on the Metro (the weekend is the only time they can get a seat.) And since the Metro system is about to discontinue late night hours, these Gen-Y'ers will have a midnight curfew on Friday and Saturday nights. And, despite what developers and planners tell you, these Gen-Y couples will eventually have children. So, without the APFO, picture the kids in these high-density, multifamily developments crammed into overcrowded schools, stacked in the hallways, and in portables, like cordwood.

And the other group, the retirees? Anyone ever try to take the car keys away from an elderly relative who really shouldn't be driving anymore? Try telling a sixty-five year old retiree not to drive. Have her walk to the grocery store. OK, there she goes – it's Aunt Martha walking six blocks carrying milk, orange juice and kitty litter, struggling to make it across ten lanes of traffic in the cold rain. And there's Uncle John, with his trick knee, trying to bring home a sheet of plywood from Home Depot on his bicycle. Or, there he is, walking to the ATM and back, at 5pm on a late November afternoon – in the dark.

This draft Plan does not, I believe, respect how people actually choose to live their daily lives. It says it's how the consultants think people should live their lives . (Apparently, City Planners know best how we should live our lives.) But like it or not, people are going to live their lives the way they want to live, not how city planners tell them they should. So - this Plan isn't my vision for Rockville, it's a delusion. As to the Planning Commission spending most of this year in worksessions trying to make a silk purse out of this sow's ear, I fear you will be wasting your time, and will get the City no closer to solving our problems. I urge you to go ahead and send this thing back to the drawing board.

**From:** johnrmckeej@netscape.net  
**To:** rockvillepikeplan@rockvillemd.gov  
**Bcc:** wmrnews@msn.com; tklim1@gmail.com  
**Subject:** Comments on Pike Plan  
**Date:** Sun, 16 Jan 2011 4:32 pm

From John McKee  
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The plan clearly indicates that this plan envisions increasing traffic and density on Rockville Pike. Both are already problems. Chapter 3 Key Findings, Subparagraph 4 Transportation, paragraph 4 says that Rockville Pike is near its vehicle moving capacity at peak times. It also says that traffic signals are timed to favor Rockville Pike and to keep its traffic flowing. That's not really true as streets such as Woodmont are demand lights UNSYNCHRONIZED with that flow.

To make the statement true, the demand lights need to be synchronized, and that is ignored.

Chapter 3, Subparagraph E Critical Lane Volume Analysis tells us that the City's traffic standards and existing and projected traffic volume will not allow the development envisioned.

Chapter 3, Subparagraph C Land Use, paragraph 6 talks about the low density of current use 0.35 Floor to Area Ratio, hinting that the plan will be to increase this, and thus INCREASE TRAFFIC.

Chapter 7 Implementation, Subparagraph B-4 reveals the need to acquire right-of-way to add the separate lanes. This means money which is currently in short supply. Subparagraph D-2 indicates a need to create a position of Town Architect, another annual expense increase.

Woodmont Country club, according to the Gazette, recently discussed developing their property along the Pike.

The end result of waiving Rockville traffic standards, spending money for right-of-way and staff, and massive reconstruction to a boulevard will be a dense street like K-street (the plan example) and profits flowing to the pockets of developers from the taxpayers.

*Something needs added to the plan to strip the massive costs to taxpayers as they pay for land acquisition, road design & changes, additional adequate public facilities while businesses reap the benefits, maybe something like front foot benefits.*

**Comments of Kevin Zaletsky**  
**Rockville Pike Plan**  
**March 16<sup>th</sup>, 2011**

Good evening Commissioners. My name is Kevin Zaletsky and I live at 101 North St. I appreciate the opportunity to speak to you tonight about the Rockville Pike Plan, which is sure to have significant repercussions on our community for many years to come.

I've reviewed the plan, attended a city plan presentation and watched the testimony to the Planning Commission last week. Like many citizens of Rockville, I can appreciate the vision of something better for Rockville Pike. I would love to see a greener, less congested, more architecturally striking boulevard take the place of the outdated concrete strip malls and buildings that currently make up much of the Pike today.

Sadly, though, I fear that our city may be ready to sell it's soul in this plan in exchange for empty promises.

I'm referring, specifically, to the suggestion that the City alter or abandon it's Adequate Public Facilities Ordinance as a condition for this plan to move forward.

I think it's important that everyone realizes that the APFO sets minimum standards for our public infrastructure and services that we, as a community, have agreed are vital to the basic quality of life and livability of our city. If we say that we cannot enact the Pike Plan without weakening or eliminating our APFO, then we are in essence saying that we cannot enact the Pike Plan without breaking our city--without detracting from Rockville's fundamental livability and quality of life. I would argue that, if that is indeed our choice, then it should be an easy one.

I think in the forefront of everyone's mind is the threat of even more gridlock traffic than already exists on the Pike. If the proposed development concept is supposed to improve traffic patterns, incorporate easy public transportation, and encourage walking and biking, why then are we required to raise our intersection thresholds to accommodate it? Adding extra lanes, infrastructure improvements, and other advances should serve to decrease these critical ratios, and probably would if they weren't accompanied by overwhelming, high-density expansion that clearly needs to be scaled back.

This same expansion threatens to critically burden our already overtaxed schools. Most Rockville Elementary schools are

pushing 30, 40 even 50% overcapacity rates and mobile-trailer cities behind our schools have become the rule instead of the exception. How many of us went to school in a trailer? Is this what we really want for our children?

And yet, even in the face of this crisis, some have suggested that it is not the city's place to involve itself in school infrastructure, and that these issues should be addressed solely through MCPS instead of through a municipal APFO.

In answer to that, I would say that of course we should engage with MCPS to do a better job at providing adequate school facilities for our children. But why should we not maintain our APFO and apply pressure on MCPS? If MCPS does their job, then everyone wins. The developers can build and our children can go to school in buildings instead of trailers. But what if MCPS doesn't do their job? If we eliminate or neuter our APFO, what recourse do we have then as a City? I watched last year during discussions of the Master Growth Element when this very commission came to the conclusion that you could not rely on the accuracy of school capacity numbers projected by MCPS. Why, then, would our city relinquish all of its control over this issue and place its trust in an external bureaucracy, that has proven to be consistently wrong?

I also contend that if our city officials stopped sending mixed messages about getting rid of our APFO, development interests would start to exert their significant influence and resources on MCPS to provide the schools needed to support new development instead of expending them on trying to circumvent our city laws.

Last week, I watched former Rockville Mayor Jim Coyle deliver an impassioned warning about enacting this plan. I know that former Mayor Larry Giammo has appeared before the Planning Committee's APFO Committee to caution against weakening the APFO's protections. Our current Mayor, Phyllis Marccuccio, has been adamant in her defense of the APFO on numerous occasions. I would hope when so many of our highest elected city officials, charged with the ultimate responsibility of protecting and preserving our community, warn of the folly of abandoning our APFO that it would cause this body to at least take pause about these proposals.

I think Rockville can find a positive way forward for the Pike without selling out our city in the process.

Thank you for your consideration.



**Fw: Pike Plan**

**Jim Wasilak** to: David Levy, Mayra Bayonet, Cynthia Kebba

03/21/2011 09:51 AM

FYI

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----- Forwarded by Jim Wasilak/RKV on 03/21/2011 09:56 AM -----

From: Roald Schrack <rschrack@verizon.net>  
To: planning.commission@rockvillemd.gov  
Date: 03/18/2011 10:34 AM  
Subject: Pike Plan

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Dear Friends,

I attended the hearing Wednesday night. The array of developers was interesting. Their concern over car dealerships was something new. It was not apparent from the city material that they would be banned. The second part of the hearing was an extension of the West End APFO position. Speaking of which, at your APFO Advisory Committee last night we heard from Glenn Orlin. He is the factotum of the County Council and is exceptionally well informed. He is also refreshingly candid. He explained how the White Flint plan was organized and will be paid for. If you don't know the story, you should certainly hear it. He gave the impression that it might be applicable to Rockville also which might be a good idea.

Finally today's Greater Greater Washington Blog has a comparison of the White Flint and Rockville Pike plans. The comments seem skewed in favor of the White Flint Plan so it would serve your interests to look it up. See:

<http://greatergreaterwashington.org/post/9703/two-plans-devise-opposite-approaches-for-rockville-pike/>

Cheers,

Roald Schrack

Dear Commissioners:

My name is Joe McClane. I live at 216 Halpine Walk Court in Twinbrook. I am the president of the Cambridge Walk II Homeowner's Association. I send you these comments on the draft Rockville Pike Plan on behalf my HOA and at the request of its board.

The Cambridge Walk II community is located in Twinbrook directly adjacent to the completed section of the Twinbrook Station development. In the past few years with the construction of first phase of the Twinbrook Station complex, we have seen first-hand the vitality that intelligent planning, design and growth can bring to a neighborhood. Our community supports the swift implementation of the Rockville Pike plan as written.

There is currently little evidence of thoughtful planning or intelligent urban design along Rockville Pike, even though it is often the most visited section of the City and a powerful economic engine for both the City and County. The design of the Pike area makes a poor impression and can be an unpleasant experience for travelers. The Pike is a traffic-clogged, disjointed collection of strip malls and an ugly scar across the face of the City. Pedestrians and nearby residents face significant obstacles in accessing the areas along the Pike. Meanwhile, developers and planners are predicting tremendous growth and urbanization along the Route 355 corridor in the near future.

A number of people from our community have walked the entire length of the Pike covered by this draft plan and report that it is a disheartening experience. There are almost no other pedestrians on the sidewalks because little thought has been given to anyone who is not driving a car. But yet the Pike's reputation for traffic jams is equally bad. I would urge every member of the Planning Commission and the City Council to walk along the Pike and see for themselves the many barriers that impede pedestrians (e.g., broken and disjointed sidewalks, unsafe crosswalks). Traffic can never be addressed adequately without a thorough understanding of pedestrian and bike access.

The proposed Rockville Pike Plan would improve the utility, mobility, and aesthetics of the Pike significantly. It is fully in line with contemporary urban planning design. There should be no controversy regarding its major recommendations concerning building forms and placement, traffic flow and a scalable, walk-able, and greener streetscape. Given the dynamic growth of our area, planning in Rockville is frequently overtaken by events. For this reason, we urge that the Plan be adopted before major development projects are proposed. We live 15 miles northwest of a superb example of urban planning—Washington. The street-grid, parks, and design principles of Washington took many years to be implemented fully, but a major reason for its success was that it was created *in anticipation of* that City's growth.

We also ask you not to minimize the importance of the aesthetics, amenities, and environmental aspects of the draft Rockville Pike Plan. We must remember that our City is constantly competing for shops, businesses, and other economic and cultural engines of quality of life and tax revenues. Growth is coming regardless of whether or not the Rockville Pike plan is adopted and the City is *ready*. Intelligent, beneficial and value added quality growth will only come if it is properly planned and in place.

Thank you for your attention to this matter,

Joe McClane  
President, Cambridge Walk II HOA

**Fw: Request for Zoning Change in the 5900 block of Halpine Road**

**Jim Wasilak** to: David Levy, Mayra Bayonet, Cynthia Kebba

03/21/2011 10:19 AM

FYI

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----- Forwarded by Jim Wasilak/RKV on 03/21/2011 10:24 AM -----

From: "McClane, Joseph C." <jmcclane@gpo.gov>  
To: "planning.commission@rockvillemd.gov" <planning.commission@rockvillemd.gov>  
Date: 03/21/2011 09:36 AM  
Subject: Request for Zoning Change in the 5900 block of Halpine Road

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Dear Commissioners:

It has come to my attention that a representative of Zion Avissar has requested that the zoning of his property in the 5900 block of Halpine Road be rezoned from the current R-60 zoning to the MXT as part of the Rockville Pike Planning process. As the former chair of the Twinbrook Neighborhood Plan and as the current President of the adjacent Cambridge Walk II development, I can assure you that the community is very much against this change. Councilmember John Britten said during the adoption of the Twinbrook Neighborhood Plan that keeping the zoning R-60 for this property was the one thing that everyone in Twinbrook agreed about. JBG is already approved to build hundreds of apartment on the metro property which has direct access to Twinbrook Parkway and other major streets. The City therefore has no compelling reason to approve zoning changes for additional apartment on our small residential street.

Cambridge Walk II, Cambridge Walk I and our neighbors across Halpine Road in Halpine Village believe that the current R-60 is the only appropriate zoning for Avissar's small, irregular shaped piece of property with street access only on the resident street of Halpine Road. An MXT zone would be totally out of character for the street and would be counter to the Twinbrook Neighborhood Plan and the Planning Commission's earlier decision. The property in question has never been part of the metro property and has always been part of the Twinbrook Neighborhood Plan. On behalf of the Twinbrook community I urge you to reject, in no uncertain terms, this request to rezone this property.

Joe McClane  
President  
Cambridge Walk II HOA

## Comments on Rockville Pike Plan

Jan Ducnuigeen

to:

rockvillepikeplan

03/24/2011 11:05 AM

Show Details

Hello,

My name is Jan and I work in downtown Rockville at 51 Monroe St, Rockville, MD 20850.

I am a resident of Washington, DC, and I commute to Rockville by bicycle from DC to Rockville in the summer, and by bicycle and metro in the winter.

I would like to provide some comments on the Rockville Pike Plan which I recently read about at <http://www.rockvillemd.gov/rockvillespike>

As a bicycle commuter, I am in constant awareness about my safety while riding to and from Rockville center up and down Rockville Pike. Since Maryland does not yet have a Manslaughter by Motor Vehicle Criminal Negligence law, pedestrians and cyclists are often injured or killed by negligent drivers and receive simple fines, sometimes less than \$50. Until Maryland changes their laws, and enforcement of existing laws is increased, I am in constant awareness of drivers disregarding the safety of pedestrians and cyclists, especially along Rockville Pike. As Rockville Pike exists now, it is completely dangerous to ride a bike on the Pike roadway. Traffic is congested and drivers often speed down it at well over 20 mph over the speed limit, and I have been hit once, and nearly hit about a dozen times. As a result, I've had change and commute on the very narrow side walk. This is not only unsafe, but the sidewalk is designed for walkers, not cyclists, and presents different safety issues.

I applaud the draft Rockville Pike Corridor plan. Here are the elements that I think work well:

1. I think separating the bus and cycling traffic from main automobile traffic is both a great safety compromise for cyclists, and allows bus traffic to bypass car traffic.
2. In Chapter 5, section 3, there is a discussion of two alternatives for intersections. I believe that alternative 2 is a much safer alternative for cyclists. Alternative 1 is extremely unsafe for cyclists because it requires them to enter the main auto roadway, where traffic is likely to travelling very fast, possibly much faster than the current traffic flows on Rockville Pike now. Cyclists are already vulnerable roadway users, and asking them to merge onto the main roadway from the bicycle/bus access lane will likely contribute to car/bicycle accidents. I strongly urge the planning group to use alternative 2 with the addition of the special bike path added in the space between the intersection corner and the end of the vehicle access lanes (indicated by purple dotted line as shown in figure 5.9 alternative 2.
3. As a seasoned bicycle commuter, I've had to endure tremendous personal risk to commute up and down Rockville Pike by bicycle. Over the last 10 years working in Rockville, I have talked to well over 3 dozen other people who work in Rockville and have expressed interest in commuting to work by bicycle, but are afraid to do so now because of the risk involved in riding the current configuration of Rockville Pike. I strongly urge the planning group to make cycling infrastructure and safety an important concern while making future changes to the pike. Too many times I have heard co-workers and others in Rockville express frustration with the auto congestion and lack of parking, and they have avoided shopping on the Pike as a result. Putting into effect these changes and implementing the alternative 2 in Chapter 5 would go a long way to improving these issues for both drivers, rapid transit (bus) users, cyclists, pedestrians, and business commerce.

-Jan